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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,483	02/18/2005	Glen William Wallis	013344-9051-00	2375

6123 7590 08/07/2007  
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EXAMINER
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LAMBERT, JOHN W

ART UNIT	PAPER NUMBER
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2609

MAIL DATE	DELIVERY MODE
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08/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/501,483	WALLIS ET AL.	
	Examiner	Art Unit	
	John Lambert	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/14/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/14/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the unlabeled rectangular boxes shown in the drawings should be provided with descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-5, 7 and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 10/501390 in view of Drori (U.S. Patent No. 6,028,505). Both inventions teach a locking mechanism operable to restrict unauthorized access to a structure, the locking mechanism being operable to permit external access, by means of at least one (two) remote control device(s) operable from outside the structure. The copending application, while broadly disclosing the use of internal safety devices, fails to set forth the use of a panic button specifically.

Drori teaches the use of a panic button to unlock a door (col. 13, lines 4-11).

Art Unit: 2609

Accordingly, it would have been obvious to one having ordinary skill in the art to incorporate the use of a panic button as an internal safety device in the invention described in 10/501390.

This is a provisional obviousness-type double patenting rejection.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1,2,4,7, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 7, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrases are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 2, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 4 and 8, the phrase "or the like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Wherever these phrases occur in the claims, the associated limitations are effectively eliminated.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Duhamel et al (U.S. Patent No. 5,541,585).

Regarding claims 1 and 7, as best understood, Duhamel et al teaches a locking mechanism operable to restrict unauthorized access to a structure (col. 1, lines 6-8), the locking mechanism being operable, to permit external access (col. 7, lines 15-16), by means of at least two remote control devices (col. 2, lines 15-24) operable from outside the structure.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhame et al (U.S. Patent No. 5,541,585) in view of Hamilton (U.S. Patent No. 5,521,585).

Duhame et al discloses a locking mechanism operable to restrict unauthorized access to a structure (col. 1, lines 6-8), the locking mechanism being operable, to permit external access (col. 7, lines 15-16), by means of at least two remote control devices (col. 2, lines 15-24) operable from outside the structure.

Duhame et al does not expressly disclose the use of a smoke detector within a house that, when operated, will put the locking mechanism into a condition in which an operating device specifically allocated to fire officers will enable a fire officer to gain access to the house.

Hamilton discloses the use of a smoke detector within a house that, when operated, will put the locking mechanism into a condition in which an operating device specifically allocated to fire officers will enable a fire officer to gain access to the house. Hamilton teaches a system that includes door/window locks that are normally held in the locked position by the presence of an electrical current through solenoids contained in the locks (abstract, lines 12-15). When an accessory fire/smoke alarm is activated, current through the solenoids is interrupted, thereby automatically unlocking the doors or windows (abstract, lines 15-17).

Duhame et al and Hamilton are analogous art because they are from the same field of endeavor of locking mechanisms.

Art Unit: 2609

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the Hamilton smoke detector system with the Duhamé et al security system.

The motivation would have been to provide a life saving system that automatically unlocks doors and windows when a smoke or fire alarm is activated (Hamilton, column 1, lines 24-26).

Therefore, it would have been obvious to combine Duhamé et al with Hamilton to obtain the invention as specified in claims 2 and 3.

10. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhamé et al (U.S. Patent No. 5,541,585) in view of Hamilton (U.S. Patent No. 5,521,686) as applied to claims 2 and 3 above, and further in view of Drori (U.S. Patent No. 6,028,505).

Duhamé et al and Hamilton disclose the locking mechanism as claimed in claims 2 and 3, but do not disclose the incorporation of a panic button.

Drori discloses the use of a panic button to unlock a door (col. 13, lines 4-11).

Duhamé et al and Hamilton and Drori are analogous art because they are from the same field of endeavor of locking mechanisms.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the Drori panic button in the invention as specified in claims 2 and 3, the combination of Duhamé et al and Hamilton.

The motivation would have been to provide added personal security to the owner when the panic button is activated (Drori, column 13, lines 2-4).

Therefore, it would have been obvious to combine Duhame et al and Hamilton with Drori to obtain the invention as specified in claims 4 and 8.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duhame et al (U.S. Patent No. 5,541,585) in view of Furukawa (U.S. Patent No. 6,243,022).

Duhame et al discloses a locking mechanism operable to restrict unauthorized access to a structure (col. 1, lines 6-8), the locking mechanism being operable, to permit external access (col. 7, lines 15-16), by means of at least two remote control devices (col. 2, lines 15-24) operable from outside the structure.

Duhame et al does not expressly disclose that the remote control device comprises a fob.

Furukawa discloses a remote control device that comprises a fob (col. 1, lines 19-23).

Duhame et al and Furukawa are analogous art because they are from the same field of endeavor of locking mechanisms.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the fob taught in Furukawa with the Duhame et al security system.

The motivation would have been to provide a remote control unit small enough to serve as a key fob for holding the user's car keys (Furukawa, column 1, lines 19-21).

Therefore, it would have been obvious to combine Duhame et al with Furukawa to obtain the invention as specified in claim 5.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meyvis (U.S. Patent No. 6,023,224) teaches an entry control and security system that uses a hand held remote control unit that sends a coded signal to a receiving unit which in turn causes an electromechanical door latch to be actuated to unlatch the door.

Sutsos et al (U.S. Patent No. 5,903,216) teaches a security structure unlocking system for use by emergency response and authorized personnel.

Miron et al (U.S. Patent No. 5,477,041) teaches a locking system, which is utilized to control the locking and unlocking of a lock, such as on a door. The lock includes a magnetic card reader for reading a coded key card into a lock computer, which in turn determines functions of, and access to the lock.

Roland et al (U.S. Patent No. 4,415,893) teaches a door control unit for electronically locking and unlocking one or more doors.

Any response to this office action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Hand – delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314


Art Unit: 2609

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Lambert whose telephone number is (571) 270-3521. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John W. Lambert  
Examiner Art Unit 2609  
July 16, 2007

  
BENNY TIEU  
SPE/TRAINER